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Attorney Docket No. 59762 (47137)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS	Orwar, et al.	EXAMINER:	Weber, Jon P.
U.S.S.N.:	09/996,559	GROUP:	1651
FILED:	November 20, 2001	Conf. No.	3828
FOR:	METHOD AND APPARATUS FOR MANIPULATION OF CELLS AND CELL-LIKE STRUCTURES USING FOCUSED ELECTRIC FIELDS IN MICROFLUIDIC SYSTEMS AND USE THEREOF		

.....
CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service, in an envelope with sufficient postage as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 12, 2004.

By: _____

Rachelle Chery

.....
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

TRANSMITTAL

Enclosed herewith for filing in the subject application are the following:

1. Response to the Restriction Requirement (3 pgs.);
2. Petition and Fee for Extension of Time 37 CFR 1.136(a);
3. Check in the amount of \$210.00; and
4. A return receipt postcard.



Attorney Docket No. 59762 (47137)

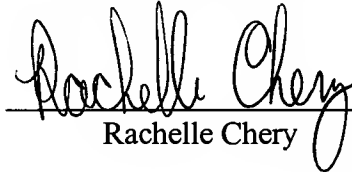
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RESPONSE TO THE RESTRICTION REQUIREMENT

Sir/Madam:

Applicants respond as follows to the Restriction Requirement as set forth in the Office Action dated October 10, 2003. Attached is a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to extend the period for response for two (2) months, up to January 10, 2004, along with the necessary fee. Please charge any additional fees required in connection with the papers transmitted herewith to Deposit Account No. 04-1105.

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S.S.N.: 09/996,559
Filed: November 30, 2001
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PETITION AND FEE FOR EXTENSION OF TIME 37 C.F.R. 1.136(a)

This is a petition pursuant to 37 C.F.R. 1.136(a) for an extension of time for a total period of two months from November 10, 2003 to January 12, 2004 (January 10 falling on a Saturday) to respond to the Restriction Requirement mailed on October 10, 2003.

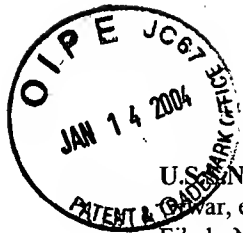
Applicants also conditionally petition for a further extension time to provide for the possibility that such a petition is required. Accordingly, if for any reason, the fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,

Date: January 12, 2004


Dianne M. Rees, Ph.D.
(Reg. No. 45,281)
EDWARDS & ANGELL, LLP
P.O. Box 9169
Boston, MA 02209

Telephone: 617-439-4444
Customer No. 21874



U.S. PAT. N.: 09/996,559

War, et al.

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Response to Restriction Requirement

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RESPONSE

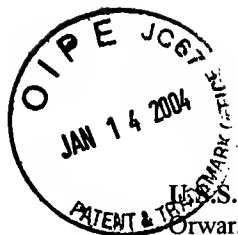
The Examiner has restricted the invention under 35 U.S.C. § 121 into four groups, Group I - IV.

Applicants elect Group I, claims 1-40, 54-56, 58, 60, 62, 64, 66, 68 and 70, drawn to transporting a cell through microchannels and electrofusing it to another cell with traverse. With respect to elected Group I, the position was taken in the Office Action that Applicants must make a species election. Applicants respectfully elect (f) delivery of substances into fused cells. Applicants respectfully submit that claim 1 is generic and understand that upon allowance, the remaining species will be considered.

The election is made solely to comply with the Office Action and should not be construed as a surrender of any subject matter in the application. The right to file divisional applications on the non-elected claims is reserved.

Applicants respectfully request reconsideration of the Restriction Requirement as set out in the Office Action. For example, it is believed no undue burden would be imposed by examination of multiple groups such as Groups I-IV. Additionally, searches for these groups would overlap significantly.

In view of Applicants' amendment and arguments above, Applicants respectfully request that the restriction requirement be reconsidered and withdrawn.



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Response to Restriction Requirement

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CONCLUSION

Applicants submit that all claims are allowable as written and respectfully requests early favorable action by the Examiner. If the Examiner believes that a telephone conversation with Applicants' agent would expedite prosecution of this application, the Examiner is cordially invited to call the undersigned agent of record.

Respectfully submitted,

Date: January 12, 2004

By: Dianne Rees
Dianne Rees, Ph.D. (Reg. No. 45,281)
EDWARDS & ANGELL, LLP
PO BOX 9169
Boston, MA 02209
Telephone: 1-617-439-4444
Fax: 1-617-439-4170

Customer No: 21,874